

REMARKS

Claims 1, 3-5, 7 and 8 are pending in the application and stand rejected.

Interview Summary

The undersigned thanks the Examiner and the Examiner's Supervisor for conducting the telephonic interview on August 5, 2009. The rejection of claims 1, 3-5, 7 and 8 in view of the cited references Swank, Marchau and Kuwata were discussed. The undersigned and Examiner agreed that amendment of the claims to introduce "a pair of rails" would distinguish over the applied combinations of the APA, Swank, Marchau and Kuwata.

Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claims 4, 5, 7 and 8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

In response, Applicants submit the present amendment to claim 4 obviates this rejection.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art (APA) in view of Swank et al. (US 6,183,691).

Claim 1 recites, *inter alia*, providing a pair of rails forming a path, the pair of rails configured to engage said preforms such that said preform necks ride above the pair of rails while bodies of the preforms ride below the rails.

In response, Applicants submit none of the cited references disclose or contemplate any such feature.

Thus, Applicants submit claim 1 is allowable for at least this reason. Additionally, Applicants submit claim 3 is allowable, at least by virtue of its dependency.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 4, 5 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marchau et al. (WO 99/03667) in view of the APA and Swank et al. (US 6,183,691).

Claim 4 recites, *inter alia*, a pair of rails forming a patch, the pair of rails configured to engage said preforms such that said preform necks ride above the pair of rails while bodies of the preforms ride below the rails.

In response, Applicants submit that none of the applied references disclose or contemplate any such feature.

Thus, Applicants submit claim 4 is allowable for at least this reason. Additionally, Applicants submit claims 5 and 8 are allowable, at least by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/509,746

Attorney Docket No.: Q83748

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/David P. Emery/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

David P. Emery
Registration No. 55,154

Date: August 13, 2009